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UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

**CIVIL MINUTES – GENERAL**

Case No. 5:22-cv-00842-JLS-SHK

Date: February 05, 2024

Title: Barbara Grady v. RCM Technologies, Inc.

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Present: **Honorable JOSEPHINE L. STATON, UNITED STATES DISTRICT JUDGE**

Gabby Garcia  
Deputy Clerk

N/A  
Court Reporter

Attorneys Present for Plaintiffs:

Attorneys Present for Defendant:

Not Present

Not Present

**PROCEEDINGS: (IN CHAMBERS) ORDER TO SHOW CAUSE WHY THE  
STAY SHOULD NOT LIFT**

The Court is in receipt of the parties' Joint Status Report. (Report, Doc. 37.) In that Report, the parties represent that they "have engaged in good faith negotiations to agree upon a process for surveying the approximately 1,414 identified settlement class members to obtain additional information from them." (Report at 1.) The parties have now created a survey and propose to use a third-party administrator to aggregate the results but data collection has not yet begun. (*Id.* at 2.) The parties propose that they will provide a further status report to the Court in 60 days to propose a schedule for a renewed motion for preliminary approval or for otherwise litigating the case. (*Id.* at 3.)

The parties' proposal is DENIED. At the hearing regarding the Renewed Motion for Preliminary Approval of Class Action and PAGA Settlement, the Court gave the parties 120 days to file a Second Renewed Motion for Preliminary Approval of Class Action and PAGA Settlement. (*See* Minute Order, Doc. 34.) In apparent disregard of that order, the parties have waited over 150 days and, rather than filing a Renewed Motion, have indicated that they have not yet begun collecting evidence in support of that Renewed Motion.

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As the Court stated when it denied the Renewed Motion, there were “red flags on the issue of adequacy of representation.” (Order, Doc. 35 at 13.) The proposed survey adds yet another red flag. In short, the fact that the parties are just now proposing a survey instrument to collect information about the experience of class members tells the Court that the parties are seeking post-hoc justification of their settlement agreement. That is, the parties *lacked* the necessary information to craft this proposed class-wide settlement at the time they negotiated it. This reinforces the Court’s concern that the settlement was not the product of informed negotiations that represented the best interests of class members.

The Court stayed this action on January 10, 2023 after the parties’ represented they had reached a settlement. (*See* Order re Notice of Settlement, Doc. 24.) Now, based on the failure to have that settlement preliminarily approved, Plaintiff is ORDERED to show cause why the stay should not lift so that litigation may resume. Plaintiff shall file a response of no more than **ten (10) pages** within **ten (10) days** of the issuance of this Order. Plaintiff’s response should include a jointly-prepared scheduling order for the Court to issue in the event the stay is lifted.

Initials of Deputy Clerk: gga